

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RUBEN DE LA PENA,

Defendant.

3:10-cr-00142-RCJ-VPC-1

**ORDER**

The Court sentenced Defendant to 120 months imprisonment, to be followed by five years of supervised release. Defendant asked the Court to reduce his sentence under 18 U.S.C. § 3582(c)(2) and Amendment 782 to U.S.S.G. § 1B1.10. The Court denied the motion because Defendant had been sentenced to the statutory minimum such that no retroactive amendment to the guideline range could aid him. *See United States v. Sykes*, 658 F.3d 1140, 1146 (9th Cir. 2011). The Court denied a successive motion.

Defendant has now filed a third similar motion, invoking a statute directing the Bureau of Prisons to award good time credit to qualified inmates. The Court may not interfere with the Bureau of Prisons's calculations except pursuant to a petition for a writ of habeas corpus under 28 U.S.C. § 2241, *Ortiz-Sandoval v. Gomez*, 81 F.3d 891, 895 & n.2 (9th Cir. 1996), and such a petition must be filed not in the district where the prisoner was sentenced, but in the district where he is incarcerated, *Rumsfeld v. Padilla*, 542 U.S. 426, 442 (2004). Defendant is incarcerated in Texas. The Court therefore denies the motion for lack of jurisdiction.

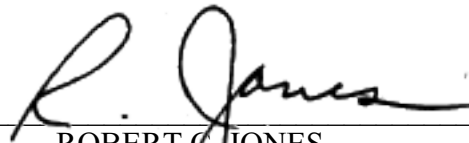
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**CONCLUSION**

IT IS HEREBY ORDERED that the Motion for Sentence Relief (ECF No. 87) is  
DENIED.

IT IS SO ORDERED.

Dated this 23rd day of September, 2015.

  
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ROBERT C. JONES  
United States District Judge